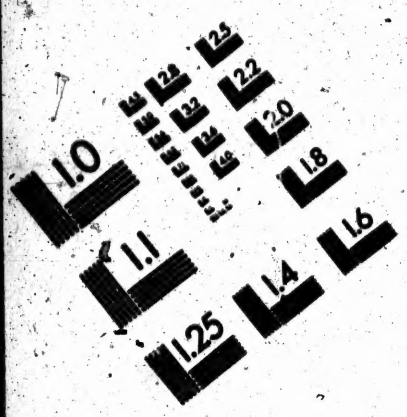

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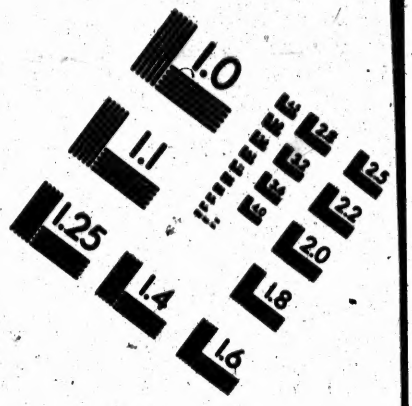

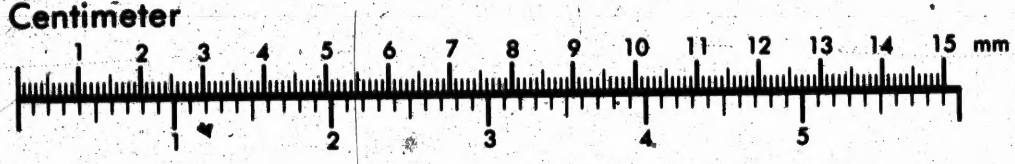

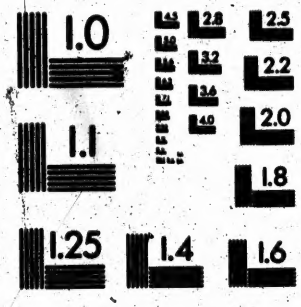

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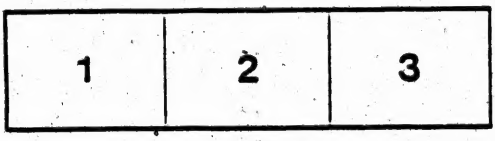

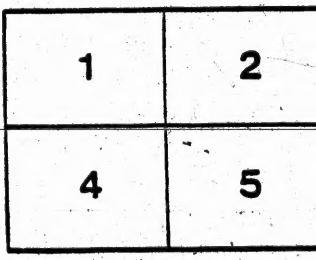

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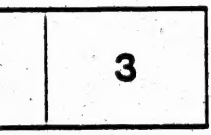

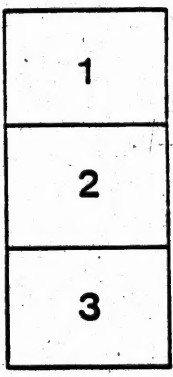

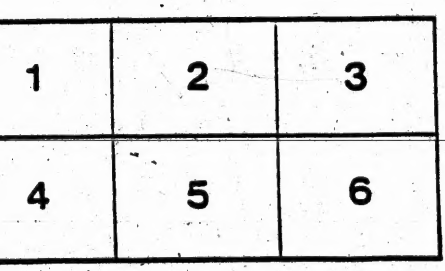

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HISTORY OF THE CLERGY RESERVE QUESTION,

Extracted from the Report of the Niagara District Branch of the Church Society, D. T., 1854.

The first object contemplated in the constitution of the Church Society is, attention to the temporalities of the Church; and your managing committee consequently think that a dispassionate review of the Clergy Reserve question comes legitimately within the sphere of their duties. This they are the more ready to undertake, inasmuch as the destitute portions of the diocese —for whose benefit especially the Church Society was so auspiciously established in 1842— are those which will first feel the injury inflicted upon the church if we are deprived of our share of the Reserves. Such places as Toronto, Hamilton, Kingston, London, Bytown, and St. Catharines could easily support their clergy; nay, even Grimsby, Thorold, and Port[illegible] might do the same, with some little exertion; but the back townships could do nothing of the kind; and those places which now gladly pay into the treasury of the Church Society in order that the Gospel, in all its fullness, may be sent to their destitute brethren in the back townships, would be fully occupied in supplying their own wants.

Your managing committee, moreover, believe that the vast majority of the people of this country do not understand the question, because of late years especially, they have heard only one side of the argument, whilst no attempts have been made to bring the other side before them; and that, consequently, they err more from want of knowledge than from perversity of mind in urging upon the Legislature the secularization of these lands.

In 1791, when a constitution was given to Upper Canada on its separation from Lower Canada, the same act of the Imperial Parliament which made provision for a Lieutenant-Governor, a Legislative Council, and a House of Assembly, provided for a "Protestant Clergy," by setting apart for their maintenance one-seventh of the unceded lands within the Province. These lands unquestionably belonged to the Crown by RIGHT OF CONQUEST, and not to those who raise so great a clamour about them—ninety-nine out of every hundred of whom were either not born at the time, or, at least, were not on this side of the broad Atlantic. The country was then almost a wilderness, and the King and the other branches of the Imperial Parliament disposed of this portion of these lands in the *same way* as the grants of lands were made to that noble band of patriots known as the U. E. Loyalists, by which 200 acres were secured to each of them and to each of their children. If the right of the King and Parliament to make this reservation in favour of a "Protestant Clergy" is called in question, the right of the same powers to grant these lands to the U. E. Loyalists and their children may be *just as fairly questioned*.

The argument that the people of this country did not *consent* to this reservation, when there was but a handful of them settled in the country, is about as sound a one as would be the argument adduced by children against a disposition made by their father of his estate, of which he was the absolute master, *before they were born*, because they had not consented to it From the warm attachment of the U. E. Loyalists to Great Britain and all her institutions, and from their hatred of everything republican and levelling, as shown in the heavy sacrifices they have made on account of these feelings, we may *fairly* conclude that had they been appealed to in regard to this act of the parent state, they would have heartily sanctioned it. At any rate, this reservation was considered no "grievance" for thirty years after it was made.

Some have argued that *because* deeds for the lands thus reserved for a "Protestant Clergy"

were not *executed*, as the lands were surveyed, the claim to them might be *disputed*. But this would be proving *too much*, for it would *destroy the claim of the younger children of the U. E. Loyalists to their U. E. rights*, for which deeds were not executed till *many* years had elapsed, in a great majority of cases, after the Governor in Council was authorised to grant them their 200 acres a-piece.

The case of the Canada Company may aid us in obtaining a correct view of this question.—About the year 1827 the Crown,—that is, the Imperial Government in England,—for reasons which, no doubt, appeared to them good, sold that company "the Crown Reserves" and the Huron Tract. The *right* of the Crown to do this, and the title of the Company to these reserves and this rich and valuable tract has *never*, as yet, been called in question.

In like manner at an early day large grants of land were made to various persons about the Government of the Province: to Legislative Councillors, to members of the House of Assembly, and other leading men. The *right* of the Government to make these grants, and the title of these gentlemen and their children to these properties, has *never*, as yet, been called in question.

But, about thirty years ago, a small but restless and unprincipled faction, anxious to raise themselves at the expense of others, imagined that the "Clergy Reserves" would afford them a good subject on which to agitate the country. They accordingly raised a hue and cry against them, because all did not share in the proceeds of them; defamed the clergy of the church in the most unscrupulous manner; and, finding many jealous of the standing of the clergy, succeeded in exciting a feeling against the Reserves, and the Church as holding them. The Government, in 1889, anxious to pacify these agitators, or, at least, hoping to divide their forces, proposed to the twelve judges of England the question, whether the term "a Protestant Clergy" might not be so construed as to include the Church of Scotland? which *at that time* took a prominent

part in the agitation. The answer of the twelve judges of England was in the affirmative. Having gained this point, by which the exclusive claim of the Church of England and Ireland to these Reserves was set aside, the Government deemed it a matter of duty to go a step further, and to open the benefit of these Reserves to *all denominations of Christians*. By the Imperial act of 1840, the proceeds of the Reserves were divided into two distinct but equal parts. The first was to be given to the Churches of England and Scotland, *as those entitled to the whole by the act of 1791*; whilst the second was to be divided by the Governor in Council, in whom they were invested for that purpose, *amongst the other denominations of Christians recognized by the laws of the land*. From this fund the Roman Catholic and Wesleyan Methodists have received aid, and *any and every other denomination* recognized by the laws of the land (and we believe there is no denomination extant which they do not recognize) *might have received aid from the same source*, had it seem well to apply for it. The unwillingness of some to make this application, —their determination to deprive those who wish to make it of the *power* to do so, because they *will* not, reminds one of the fable of the "dog in the manger."

In this settlement of 1840 the Churches of England and Scotland,—the one acting through the Archbishop of Canterbury, and the other through their General Assembly,—consented *to a surrender of one-half of the property* on condition that they should be "*absolutely*" (to use Lord John Russell's own words in introducing the measure) secured in the peaceful possession of the remainder. That this was a compact or agreement made on these terms by Lord John Russell, acting on the part of the Government, and these bodies, acting on the part of the two Churches, is evident from the speeches of Lord John Russell, who introduced the measure, and Sir R. Peel, the leader of the opposition; the latter of whom declared that "in the propositions made to Lord John Russell, and by him to the House, the Church of England had not been

governed by a rigid adherence to her own interest." (See the speeches of Lord John Russell and of Sir R. Peel in the House of Commons, 6th July, 1840, as given in the *Packet* of August 10th, 1840.)

With this settlement the country was for years perfectly satisfied, and the leading Reformers—Messrs Baldwin, Price, &c.—declared in their places in the House of Assembly that "*the question was finally settled, and could not again be opened.*" The Churches of England and Scotland felt that they had yielded a good deal "for peace' sake;" and the other bodies felt that they had *gained* what they could *never have obtained but for this act.* This question, which had been a valuable standing grievance for nearly thirty years, was laid aside as *settled*, till certain agitators, during the last six years, *finding that they could not get up another cry* for the country against, began to agitate the question anew; and by appealing to the worst passions of the human mind,—to envy and cupidity,—have succeeded in creating a considerable excitement on the subject, and a determination among some of our "unscrupulous opponents," as Lord Elgin justly calls them, to rob the various Churches of the Reserves, on the low principle that "*might makes right.*"

As an inducement to vote for those candidates at the hustings who will pledge themselves to the secularization of the Clergy Reserves, the electors are gravely told that "if they do so the education of their children and of their children's children will cost them nothing, for that the Reserves will be sufficient to afford a free education to all the youth of Upper Canada." But we all know that the annual grant of £50,000 per annum does not, by a great deal, afford a "free education" to our children; for though this is met by a larger sum, laid on by the Municipality of each town or township, yet, in almost all cases, the rate-bill exceeds the grant and that raised in the township together. It has been estimated by the Hon. James Price, late Commissioner of Crown Lands,—a high authority,—that when the Reserves shall be sold, and the proceeds thereof invested, they will yield

only an annual income of £50,000. Thus to give "free education" to all the children of the country would require at least another £100,000, for which the people must be taxed directly or indirectly; for if the annual grant from the provincial chest does not give free schools to all, no more will the £50,000 that is to be derived from the Clergy Reserves do so. They would yield about 1s 3d currency for each person in Upper Canada.

In conclusion, your managing committee would call upon all those who may peruse this argument to consider—

1st. That by the supreme authorities of the empire this property was solemnly set apart for the support of religion in this province.

2nd. That the proposed alienation of this property is for the promotion of mere secular education, from which all religious instruction is systematically excluded, and from which it is now proposed, by "the party of progress," to *shut out the Bible*.

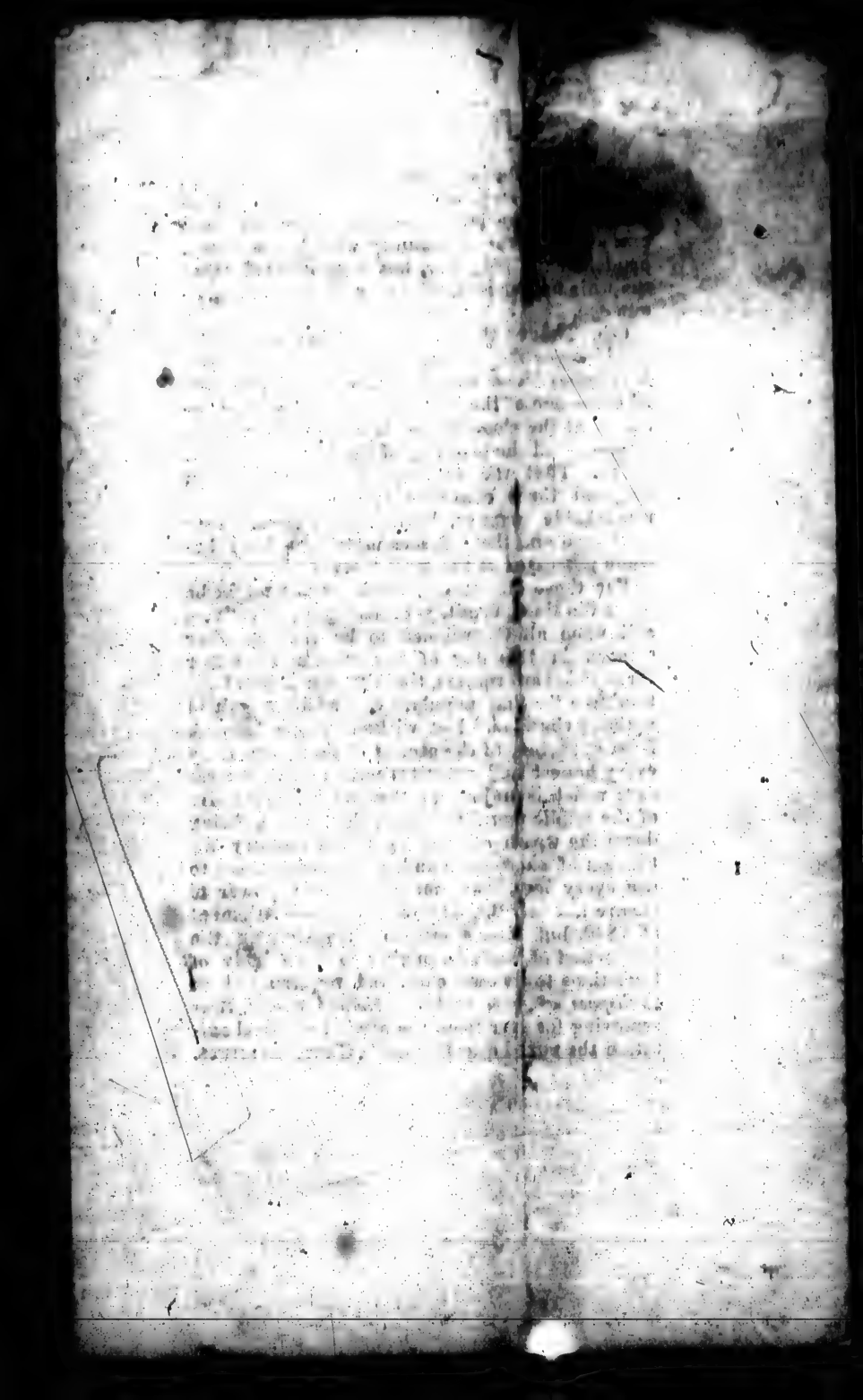
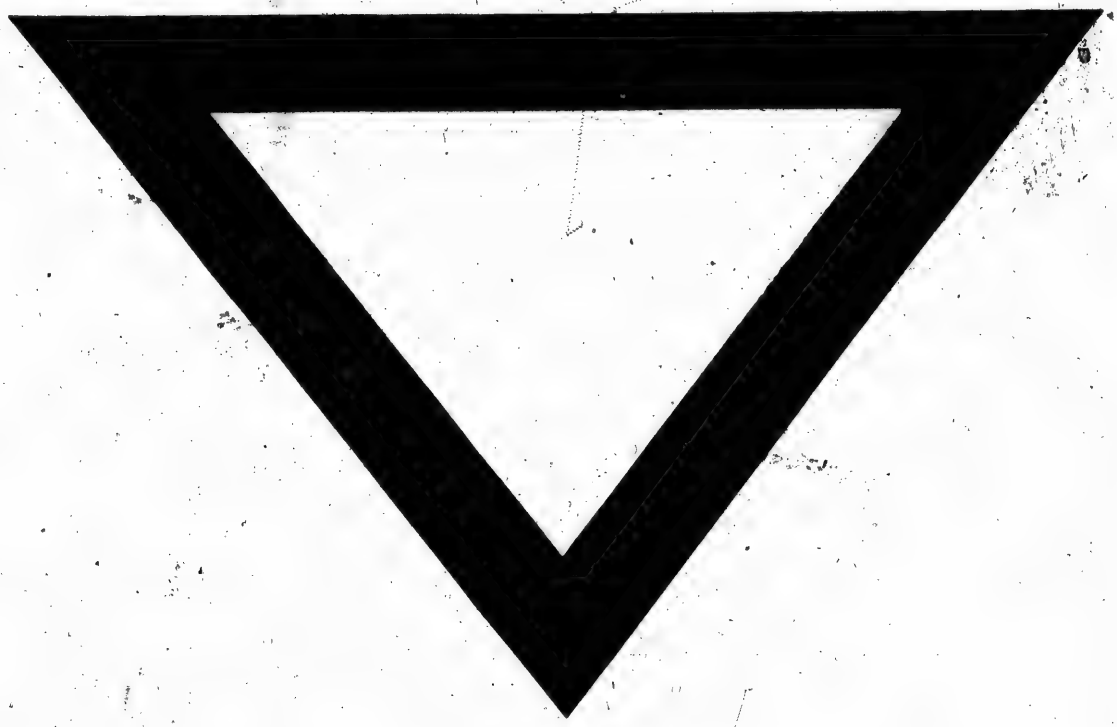
3rd. That unless the Churches of England and Scotland *consent* to this secularization of the Reserves, those who would in anywise countenance such an act would be aiding in doing a great wrong,—they having given up a portion of their claim in 1840, trusting to the public faith pledged on that occasion that the settlement would be a "*final one*," and that they would be secured in the peaceful possession of the remainder.

4th. That a breach of faith in the public is as bad as a breach of faith in an individual, and productive of more extensive injuries to the public morals.

5th. That when once the principle is adopted that any bodies can be deprived of their property because even a majority (which in this case is a questionable point) covet it for the public use, an agitation may as justly be raised to deprive the Canada Company of the remainder of their lands, because the people of the country never consented to their sale, and the company have already realised enough from the lands which they have sold to pay them the purchase money,

expenses, and a fair profit on their investment; and then the step will easily be taken which will deprive the large landholders, or any and every man in the community who, by industry, prudence and frugality, has accumulated more than his neighbours, who view it with an envious eye.

6th. That at the time of the *revolution in the neighbouring Republic* lands granted by *the Crown to religious bodies were held sacred and inviolate*, whereas one of the first acts of the *French revolution*, at the close of the last century, was to *secularize* all the property of the French Church.

7th. That the robbery of the Church in England three centuries ago has, in a most remarkable manner, been visited upon those noblemen and their descendants who have become possessed of the spoil thereof.

For these and other reasons, which might be given did time permit, your managing committee call upon all Churchmen to be true to their Church in this day of her trial, and neither through lukewarmness, timidity, nor hope of obtaining a fleeting popularity, "which is gained without virtue and lost without crime," shrink from opposing, to the utmost of their power, by every honest and constitutional means, a measure which is unjust to themselves, subversive of the public morality, and calculated to bring down the wrath of God upon the country for this act of sacrilege; and, at the same time, to use every legitimate means in their power to ensure not only the permanency of the settlement of 1840, but also a measure transferring the proportion of lands belonging to each body of Christians to its own care, and requiring them to *dispose of them within a limited period*, thus removing for ever from the area of political agitation the vexed question of the Clergy Reserves.